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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **MORI, Toyokazu, et al.**

Group Art Unit: **Not Yet Assigned**

Serial No.: **10/561,542**

Examiner: **Not Yet Assigned**

Filed: **December 19, 2005**

P.T.O. Confirmation No.: 9383

For: **ELECTRIC TOOTHBRUSH**

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: June 1, 2006

Sir:

The attention of the Patent and Trademark Office is hereby directed to copies of the PCT International Preliminary Report on Patentability(PCT/IB/373) and the PCT English translation of the Written Opinion of the International Searching Authority (PCT/ISA/237) attached herewith.

The Report and the English translation of the Written Opinion is submitted herewith to be placed in the U.S. Patent and Trademark Office file of this case.

Respectfully submitted,

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Atty. Docket No. **050793**

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PATENT TRADEMARK OFFICE

Enclosure: PCT/IB/373 (1 sheet); and
PCT/ISA/237 (3 sheets).

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)



Applicant's or agent's file reference 17155	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2004/008535	International filing date (<i>day/month/year</i>) 17 June 2004 (17.06.2004)	Priority date (<i>day/month/year</i>) 20 June 2003 (20.06.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant SUNSTAR INC.			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44*bis*.3(c) and 93*bis*.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44*bis*.2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	Date of issuance of this report 01 May 2006 (01.05.2006)
	Authorized officer Yoshiko Kuwahara Telephone No. +41 22 338 90 90

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference
17155

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2004/008535

International filing date (day/month/year)

17.06.2004

Priority date (day/month/year)

20.06.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

SUNSTAR INC.

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/008535

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☒ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2004/008535

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>7</u>	YES
	Claims	<u>1-6, 8</u>	NO
Inventive step (IS)	Claims	<u></u>	YES
	Claims	<u>1-8</u>	NO
Industrial applicability (IA)	Claims	<u>1-8</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations:

Document 1: JP 11-513922 A (Braun AG.), 30 November 1999, page 23, line 22, to page 24, line 8, all drawings & WO 98/01083 A

Document 2: JP 2003-144229 A (Lion Corporation), 20 May 2003, full text, all drawings (Family: none)

Regarding claims 1 through 6 and 8

The inventions relating to claims 1 through 6 and 8 do not appear to be novel based on document 1 cited in the ISR. Document 1 describes an electric tooth brush wherein the distance of hair bundle travel is 0.4 mm and the frequency of hair bundle travel is 12,000 oscillations.

Regarding claim 7

The invention relating to claim 7 does not appear to involve an inventive step based on documents 1 and 2 cited in the ISR. Document 2 describes filaments split into a plurality of bristles; therefore, as filaments of an electric tooth brush described in document 1, adopting an invention described in document 2 could be easily achieved by a party skilled in the art.